

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

REGGIE ALLEN,

Plaintiff,

v.

DR. RICHARD HEIDORN, DR. MARY
SAUVEY AND SANDRA MCARDLE,

Defendants.

OPINION AND ORDER

18-cv-422-bbc

Pro se plaintiff and prisoner Reggie Allen is proceeding on claims that defendants Dr. Richard Heidorn, Dr. Mary Sauvey and Nurse Practitioner Sandra McArdle violated his Eighth Amendment rights by failing to provide him adequate treatment for his stomach pain. Defendants have filed motions for summary judgment. Dkts. ##35, 42, 47. Plaintiff's opposition materials were due on October 15, 2019, but he has not responded to defendants' motions. Plaintiff did file a motion for leave to amend his complaint, stating that he wishes to remove Heidorn and Sauvey as defendants and wishes to add the health services manager, Jolinda Waterman, as a defendant. Dkt. #34. Plaintiff's request to add Waterman as a defendant will be denied. Plaintiff provides no details about how Waterman was involved in his medical care and no allegations suggesting that she was deliberately indifferent to any of his medical needs.

I will also deny plaintiff's request to amend his complaints to remove defendants Heidorn and Sauvey at this stage of the case. Permitting plaintiff to simply remove Heidorn

and Sauvey as defendants would mean that he could potentially bring the same claims against those defendants in the future. Because Heidorn and Sauvey have filed a motion for summary judgment, I conclude that it would be appropriate and efficient to decide their claims on the merits. However, because plaintiff has not filed any brief in opposition to Heidorn and Sauvey's motion, it is not clear whether he opposes it. I will give plaintiff one more opportunity to submit a substantive response to Heidorn and Sauvey's motion for summary judgment. If he fails to do so by the deadline below, I will grant the motion for summary judgment as unopposed.

As for defendant McArdle, plaintiff wrote a letter to McArdle's counsel stating that he does not oppose McArdle's motions for summary judgment. Dkt. #48-1. Therefore, I will grant McArdle's motions as unopposed.

ORDER

IT IS ORDERED that

1. Plaintiff Reggie Allen's motion for leave to file an amended complaint, dkt. #34, is DENIED.

2. Defendant Sandra McArdle's motions for summary judgment, dkt. ##42, 47, are GRANTED as unopposed.

3. Plaintiff may have until November 18, 2019 to file a response to defendant Richard Heidorn and Mary Sauvey's motion for summary judgment. If plaintiff does not

respond by that date, I will grant the motion as unopposed.

Entered this 29th day of October, 2019.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge